

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JESUS FERREIRA,

Plaintiff,

vs.

U.S. DISTRICT COURT - N.D. OF N.Y.	
FILED	
JAN 27 2017	
AT	O'CLOCK
Lawrence K. Baerman, Clerk - Bing.	

3:13-cv-107

CITY OF BINGHAMTON and KEVIN MILLER,

Defendants.

VERDICT SHEET FORM

[PLEASE NOTE - Each Juror will be provided with a Verdict Sheet Form in order to facilitate understanding of the charge and to aid in deliberation as to the elements of each claim. HOWEVER, YOUR VERDICT SHOULD BE REPORTED TO THE JUDGE ON ONLY ONE VERDICT SHEET FORM WHICH IS SIGNED BY THE JURY FOREPERSON. The remaining Verdict Sheet Forms should be returned to the courtroom deputy unsigned. Each question must be answered unanimously.]

ALSO, please carefully follow the bold-type directions accompanying each question.]

I. Excessive Force/Battery

1. Did the Plaintiff prove his Section 1983 claim of excessive force/state-law battery against Defendant Miller?

YES

NO

Proceed to next question. If you answered "yes" to question 1 you must answer "yes" to question 2.

2. Is the City of Binghamton liable for the damages caused by the state law battery by Defendant Miler or any other officer under a respondeat superior theory?

YES

NO

Proceed to the next question.

III. NEGLIGENCE

3. Was Officer Miller negligent with respect to the incident on August 25, 2011?

If your answer to question 1 is "yes," you must answer this question "no"

Yes

No

Proceed to the next question.

4. Is the City of Binghamton liable for negligence with respect to the incident on August 25, 2011 under a respondeat superior theory?

Yes

No

If you answered "yes" to question 1, 2, 3 or 4, proceed to the next question. If you answered "no" to all of those questions, proceed to the end.

IV. Damages

**5. Answer question 5 only if you answered "yes" to question 1 or 2.
If your answer to question 1 and 2 was "no", skip to question 7.**

~~What amount of actual or compensatory damages do you award the Plaintiff for the excessive force/safe-law battery violation?~~

~~Past damages—how much do you award for the damages Plaintiff suffered from August 25, 2011 until today?~~

~~\$ _____~~

~~Future damages—how much do you award for the damages that Plaintiff will suffer in the future?~~

~~\$ _____~~

~~How long do you find that Plaintiff will suffer damages from the August 25, 2011 incident from the present to the future?~~

~~_____ years _____ months~~

Proceed to the next question.

6. Answer this question only if you answered "yes" to question 3 or 4, proceed to the next question. If you answered "no" to questions 3 and 4, proceed to end.

What amount of actual or compensatory damages do you award the Plaintiff for the Defendants' negligence?

Past damages—how much do you award for the damages Plaintiff suffered from August 25, 2011 until today?

\$ 500,000

Future damages—how much do you award for the damages that Plaintiff will suffer in the future?

\$ 2,500,000

How long do you find that Plaintiff will suffer damages from the August 25, 2011 incident from the present to the future?

30 years 0 months

Proceed to the next question.

8. What percentage fault do you assign to each party?

Defendant City of Binghamton 90 %

Plaintiff Jesus Ferreira 10 %

END

PLEASE REPORT YOUR VERDICT TO THE MARSHAL. PLEASE REMEMBER TO DATE AND SIGN THIS VERDICT SHEET. THANK YOU.

**** REDACTED NAME ****

1/27/17

Date

Foreperson